

Rule 33(E) Ariz. Rules of Prob. Proc. Shall be modified to read as follows:

Fiduciaries who intend to charge for their services shall comply with the following:

- a. The fiduciary shall submit a schedule of fees and other charges, and/or the basis upon which fees will be charged, to the Court and all persons entitled to notice pursuant to Ariz. Rev. Stat. Sec. 14-1401, 14-3204, 14-3306, 14-3403, 14-5207, 14-5309, 14-5310, 14-5405 in conjunction with the filing in court of a temporary or permanent petition to appoint the fiduciary in the case, or as soon thereafter as possible, but not less than fourteen days prior to the permanent hearing. Such fee schedule may be attached as an exhibit to the petition to appoint the fiduciary or the first notice required by law to be given to interested persons and others entitled to notice.
- b. Except as stated herein, the requirement to submit the schedule of fees and other charges shall apply in the following matters: guardianships, conservatorships, and decedent's estates.
- c. A trustee shall comply with Ariz. Rev. Stat. Sec. 14-10813 B 4 with regard to fees
- d. If the fiduciary is appointed by the Court, or accepts appointment under a governing document, this initial fee schedule will remain in effect until a revised fees schedule is submitted by the fiduciary as provided herein.
- e. The fee schedule must list and define the all rates or percentages the fiduciary intends to charge whether it is for work performed by the fiduciary or by the fiduciary's staff, and shall include whether the fiduciary intends to seek reimbursement for specific costs such as mileage, copies, faxes, etc as well as any flat fees or surcharges applied.

- f. The fiduciary may, but is not required to, submit a revised fee schedule no more often than annually. The revised fee schedule may be submitted in conjunction with the filing of any annual accounting in a conservatorship or court supervised trust, with the filing of the annual guardian's report in a guardianship and no more often than annually in any probate action, special administration, or other matter. If the fiduciary does not submit a revised fee schedule, the fiduciary shall continue to charge consistent with those approved in the initial fee schedule.
- g. If any interested party objects to a proposed schedule, the Court shall, after hearing and testimony, exercise its discretion and accept or reject or modify the scheduled rates.
 - i. Should the Court reject the scheduled rates, the fiduciary may notify the Court the fiduciary chooses not to accept the appointment or intends to resign. If the fiduciary notifies the court the fiduciary chooses not to accept the appointment, the fiduciary shall be allowed to petition the Court for approval of fees and costs of both the fiduciary and the fiduciary's attorney for pursuit of the petition pursuant to Rule 33, Ariz. Rules of Proc. Proc.
 - ii. An "objection" is defined as the filing of an objection as described in 17B A.R.S. Rules Probate Proc, Rule 27
 - iii. The approved fee schedule shall constitute the rates, percentages, costs, flat fees and surcharges the fiduciary is allowed to charge until further order of the Court.
- h. Nothing in these guidelines shall prevent fiduciaries from charging less than court-

approved rates.